

By Senator Grimsley

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1 A bill to be entitled

2 An act for the relief of Marcus Button by the Pasco
3 County School Board; providing an appropriation to
4 compensate Marcus Button for injuries sustained as a
5 result of the negligence of an employee of the Pasco
6 County School Board; providing an appropriation to
7 compensate Mark and Robin Button, as parents and
8 natural guardians of Marcus Button, for injuries and
9 damages sustained by Marcus Button; providing a
10 limitation on the payment of fees and costs; providing
11 an effective date.

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13 WHEREAS, on the morning of September 22, 2006, Jessica
14 Juettner picked up 16-year-old Marcus Button at his home in
15 order to drive him to Wesley Chapel High School, where both were
16 students, and

17 WHEREAS, as Jessica drove her Dodge Neon west on State Road
18 54, Marcus Button realized that he had left his wallet at home,
19 and Jessica turned the car around and headed back to his home,
20 and

21 WHEREAS, as Jessica approached Meadow Pointe Boulevard,
22 John E. Kinne, who was driving a 35-foot school bus owned by the
23 Pasco County School Board, pulled out in front of her, and

24 WHEREAS, Jessica slammed on the brakes, but her car struck
25 the bus between the wheels and slipped underneath the bus, and

26 WHEREAS, while Jessica suffered only minor injuries, Marcus
27 Button, who was riding in the front passenger seat, sustained
28 facial and skull fractures, brain damage, and vision loss, and

29 WHEREAS, Mr. Kinne and his backup driver, Linda Bone, were
30 the only people on the bus and were not seriously injured, and

31 WHEREAS, Marcus Button was airlifted to St. Joseph's
32 Children's Hospital, where he spent 3 weeks recovering, and then

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33 was transferred to Tampa General Hospital for rehabilitation for
34 an additional 6 weeks, and

35 WHEREAS, Marcus Button had to relearn how to walk and
36 currently cannot walk for any substantial length of time without
37 pain, lost most of the sight in his right eye, and suffered
38 facial fractures that left one side of his face higher than the
39 other, and

40 WHEREAS, in addition, Marcus Button can no longer smell,
41 has limited ability to taste, cannot feel textures and, as a
42 result of the brain damage he sustained in the crash, sees and
43 hears things that are not there, speaks with a British or a
44 Southern accent, and is paranoid, and

45 WHEREAS, Marcus Button returned home in November 2006, but
46 his mother, Robin Button, testified, "My son who woke up [in the
47 hospital] was not the same son I gave birth to. He was, but he
48 wasn't. It was him, his skin, but it wasn't him in his skin.
49 Different kid. The son I knew is gone. He died on that day," and

50 WHEREAS, as the operator of a school bus, Mr. Kinne had the
51 duty to drive the bus in a safe manner and in accordance with
52 state law but failed to do so, and

53 WHEREAS, Mr. Kinne was later cited for failing to yield the
54 right-of-way, and

55 WHEREAS, in 2007, Marcus Button's parents, Mark and Robin
56 Button, sued the Pasco County School Board for negligence, and,
57 during the subsequent trial, a pediatric rehabilitation doctor
58 and a neuropsychologist testified that Marcus will require 24-
59 hour care, counseling, interventions, medical care, and
60 pharmaceuticals for the remainder of his life to cope with his
61 physical symptoms and control his psychotic and delusional

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62 behavior; that he continues to suffer from memory loss; and that
63 he has trouble sleeping and struggles to concentrate and stay on
64 task, and

65 WHEREAS, an economist who testified at trial estimated that
66 Marcus Button's future care will cost between \$6 million and \$10
67 million and that his inability to work will result in the loss
68 of between \$365,000 and \$570,000 in wages over his lifetime, and

69 WHEREAS, a jury of five men and one woman apportioned
70 responsibility for the crash as follows: the Pasco County School
71 Board, 65 percent; Jessica 20 percent; Marcus Button, 10
72 percent, and

73 WHEREAS, the trial court ordered the Pasco County School
74 Board to pay final judgments of \$1,380,967.39 and \$289,396.85 to
75 Marcus Button and his parents, respectively, and

76 WHEREAS, the Pasco County School Board has paid \$163,000 of
77 the statutory limit of \$200,000 pursuant to s. 768.28, Florida
78 Statutes, applicable at the time the claim arose, to Marcus
79 Button and Mark and Robin Button, as parents and natural
80 guardians of Marcus Button, as compensation for the injuries and
81 damages that were incurred as a result of the accident that
82 occurred on September 22, 2006, and

83 WHEREAS, the pro rata share of the statutory limit pursuant
84 to s. 768.28, Florida Statutes, paid to Marcus Button is
85 \$134,752.10, but the balance of \$1,246,215.29 remains unpaid,
86 and

87 WHEREAS, the pro rata share of the statutory limit pursuant
88 to s. 768.28, Florida Statutes, paid to Mark and Robin Button is
89 \$28,247.90, but the balance of \$261,148.95 remains unpaid, NOW,
90 THEREFORE,

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Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The Pasco County School Board is authorized and directed to appropriate from funds of the school board not otherwise encumbered and to draw a warrant, payable to Marcus Button, in the amount of \$1,246,215.29, to compensate him for injuries and damages sustained due to the negligence of an employee of the school board.

Section 3. The Pasco County School Board is authorized and directed to appropriate from funds of the school board not otherwise encumbered and to draw a warrant, payable to Mark and Robin Button, as parents and natural guardians of Marcus Button, in the amount of \$261,148.95, to compensate them for injuries and damages sustained by Marcus Button as a result of the accident that occurred on September 22, 2006 due to the negligence of an employee of the Pasco County School Board.

Section 4. The amount paid by the Pasco County School Board pursuant to s. 768.28, Florida Statutes, and the amounts awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries sustained by Marcus Button. The total amount paid for attorney fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the total amounts awarded under this act.

Section 5. This act shall take effect upon becoming a law.